

At A Regular Town Board Meeting
Of the Town Board of the Town of Newburgh
At 1496 Route 300 in said township at 7:00 P.M.
On the 2nd day of February, 2004

Roll Call: Wayne C. Booth, Supervisor
George A. Woolsey, Councilman
James E. Manley, Councilman
Gilbert J. Piaquadio, Councilman

Also Present: Mark C. Taylor, Attorney for the Town of Newburgh
James W. Osborne, Town Engineer
Andrew J. Zarutskie, Town Clerk
Charlene M. Black, Deputy Town Clerk

Absent: Derek N. Benedict, Councilman

1. Pledge of Allegiance to the Flag led by Glenn Loony, Meadow Hill.

2. Moment of Silence

3. Additional Items For the Agenda

10. b. College Tuition Reimbursement

4. Public Comments

None.

5. Schedule Public Hearing: Proposed Local Law 2004-1 Re: The Sewer Moratorium; Suggested date and time: Wednesday, February 11, 2004 at 7:00 P.M.

Supervisor Booth explained that since we are in negotiations with the City of Newburgh still and the expiration of moratorium is the end of February, we need to extend it again. Even if we settle the contract tomorrow, we still need the moratorium up to the completion of the two million gallon per day addition to the plant. The proposed time and date is February 11, 2004 at 7:00 P.M. for the Public Hearing.

MOTION was made by Councilman Piaquadio to schedule the Public Hearing for the Propose Local Law 2004-1 for Wednesday, February 11, 2004 at 7:00 P.M., seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4-0-1 absent.

6. Highway

a. Road Dedication for Gerri Court

This is a request from Mark Taylor, Attorney for the Town, to dedicate Gerri Court. Mark explained everything is in order and we received the appropriate title. Jim Osborne, Town Engineer was asked if this is was acceptable to him and Darrell Benedict, Highway Superintendent and Jim said the memo will be in the file for our acceptance.

MOTION was made by Councilman Woolsey to accept Gerri Court as a Town Road, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – absent; Mr. Booth – aye. Motion passed 4-0-1 absent.

b. Hiring of Seasonal Employees

This is a request from Darrell Benedict, Highway Superintendent, to hire three seasonal people for the Highway Department. The title is seasonal laborer and the rate of pay will be \$9.00 per hour. The following people are the candidates for these positions: Mark Hall, Sr., Jason Waite and George F. Powell. These men are to start immediately. Mark and Jason have worked for the Town before. The background checks have been approved by Roseanne Smith, Personnel Director.

MOTION was made by Councilman Woolsey to approve the three hires Mark Hall, Sr., Jason Waite and George F. Powell, as seasonal employees at the present rate of

\$9.00 an hour to start immediately, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4-0-1 absent.

7. Assessor: Settlement of Tax Certiorari for Newburgh Associates (Holiday Inn)

This is a recommendation from Michael Fogarty, Sole Assessor, to approve the settlement with Newburgh Associates / Holiday Inn and the Town of Newburgh from 1999 until 2002. The year 2000 - \$2,267.93, 2001 - \$3,794.36 and 2002 - \$3,601.95 for a total of \$9,664.24. Councilman Piaquadio said that this was sent to the Board of Assessment and they made the recommendation to reduce the assessment. Mark Taylor, Attorney for The Town, is under the impression that the Board of Assessment Review made the determination to reduce the Assessment for 2003. This is a proposed settlement and the Board of Assessment Review acted in respect to the 2003 assessment in determining that the assessment should be lower for 2003. The Assessor is an advisor for the Board of Assessment Review.

MOTION was made by Councilman Manley to approve the Settlement of Tax Certiorari for Newburgh Associates (Holiday Inn), seconded by Councilman Woolsey.

MOTION was made by Councilman Piaquadio to table the motion on the floor, seconded by Councilman Woolsey.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – nay; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 3-1-1 absent.

8. Accounting:

a. Debt Services Transfers

This is a request from Jackie Calarco, Town Account, to transfer funds as outlined in her memo. (See memo.)

MOTION was made by Councilman Piaquadio to approve the transfers outlined in Jackie Calarco's memo, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4-0-1 absent.

b. Greiner Subdivision Performance Security

Supervisor Booth explained how this came up at the Work Session. This security was turned over to the General Fund in 2001 and should have been held for the Private Road for a two year period. The two years was up in October, 2003. The inspection of this road has been done and has been approved. The question of where the money was going to be taken from was answered by Jackie Calarco, Town Accountant. She said the funds can be taken from the Consultant 2004 Budget. The amount of the Security to be returned is \$4,322.11. The original amount was \$3980.00 but we have to add the interest onto this which is \$522.11.

MOTION was made by Councilman Manley to approve the release of the Performance Security for the Greiner Subdivision in the amount of \$4,322.11, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4-0-1 absent.

9. Animal Control

a. Hiring of Part Time Kennel Worker

This is a request from Mary Meyer, Animal Control Supervisor, to hire Amy Punkosky as a part time kennel worker at a rate of \$7.00 per hour, 20 hours per week, with a start date of February 5, 2004. Amy will be replacing Victoria Kartis who was promoted to part time Animal Control Officer. Roseanne Smith, Administrative Assistant, has done her background check and has been approved.

MOTION was made by Councilman Piaquadio to approve the hire of Amy Punkosky at a rate of \$7.00 per hour, for twenty hours a week and a start date of February 5, 2004, seconded by Councilman Manley.

VOTE: Mr. Woolsey aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4-0-1 absent.

b. T-94 Expenditure / Part One

This is a request from Mary Meyer, Animal Control Officer, to utilize the T-94 account for veterinarian bills in the amount of \$240.00 for expenditures in 2003. Her budget was exhausted at this time.

MOTION was made by Councilman Manley to approve the expenditure of \$240.00 from the T-94 account to pay for veterinarian bills, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4-0-1 absent.

b. T-94 Expenditure / Part Two

This is a request from Mary Meyer, Animal Control Officer, to utilize the T-94 account for a veterinarian bill for a dog named Hobs. Hobs needed surgery to place pins in his leg. The cost of the surgery was \$1274.15. Due to an article ran in the Times Herald Record donations in the amount of \$744.15 were collected. A donation of \$530.00 in memory of Mary Mazzariello by her family was also made. These monies were deposited in the T-94 account and in closing the entire cost of Hobs surgery was donated by the public and we there is no cost to the Town at all. We need to utilize the donated money from the T-94 account to pay the bill.

MOTION was by Councilman Piaquadio to utilize the T-94 account in the amount of \$1274.15 to pay the veterinarian bill, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4-0-1 absent.

c. T-9 Expenditures

This is a request from Mary Meyer, Animal Control Officer, to utilize the T-93 account for veterinarian bills for cats and kittens in the amount of \$213.75.

Councilman Woolsey suggested that the Supervisor's office send a letter in appreciation to Flannery's for being so generous in their services. A proclamation would even be in order.

MOTION was made by Councilman Woolsey to utilize the T-93 account for veterinarian bills for cats and kittens in the amount of \$213.75, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4-0-1 absent.

10. Police**a. Addendum to Contract for K-9 Vehicles**

This was brought up at our Work Session last week. Mark Taylor, Attorney for the Town, was asked to go over the contract to make sure there were no problems. Mark said he has examined the proposed Addendum and has identified no change to the terms and conditions of the collective bargaining agreement outside the scope of the discussion that was presented at the work session. Supervisor Booth explained what this Resolution entails is that the canine vehicles will be able to be used up to 125,000 miles, where at this time we can only use them until they reach 95,000 miles. We have been allowing our canine officers because of some legal ramifications in the past, to transport their canines to and from their residents in Police vehicles. We have three working canines at this time and these three canine vehicles will have a longer life with this addendum. These cars need to pass safety inspections.

MOTION was made by Councilman Manley to approve the Addendum as presented, seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4-0-1 absent.

b. College Tuition Reimbursement

This is a request from Peter Passantino for college tuition reimbursement of \$800.00. Peter has passed with an A- in Police Science and is working on his Associates, then on to his bachelors in Criminology. According to the contract we have with the PBA, we have to reimburse up to \$800.00 in a twelve month period.

MOTION was made by Councilman Piaquadio to approve the reimbursement of

\$800.00 to Peter Passantino, seconded by Councilman Manley.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4-0-1 absent.

11. Announcements and Presentations

Mr. Zarutskie, Town Clerk, explained that will be asking the Board to take Election District 5 and divide it into two. The population in that district has gotten so big that by State law we have to add a second voting machine and if it gets much bigger we have to split it into two districts. Since we are going to have two machines and hire more poll inspectors, Mr. Zarutskie is asking to split the district in half now. District 5 is between the Newburgh City line and Route 300. and between 84 and New Windsor and 17K. They will both vote in the same place so it will not inconvenience the voters.

Ron Hughes / Pampas Lane

On Saturday, the Newburgh Rowing Club has entered in a contract with the City of Newburgh to set trusses at the City of Newburgh and New Windsor line. It is a trustworthy cause and anyone who would like can come down and volunteer, it would be much appreciated.

Also, if anyone is a bird watcher, the American Bald Eagle has been seen between Gully's and their Cornwall nest.

12. Public Comment

Patrick Richardson / 3 Gerri Court

Could Mr. Booth explain about the moratorium? Supervisor Booth said it has been in effect since August, 2000 and it started as a contract dispute with the City of Newburgh. We have a joint facility down there for sewer processing. When the dispute came to a head and litigation was imminent, the Town instituted a sewer moratorium to stop the expansion of the sewers going into it. We are in negotiations with the City of Newburgh. This moratorium affects commercial and residential subdivision site plans that come in and are in the sewer district. This area is the 17K / 300 corridor.

Ron Hughes / Pampas Lane

There is some confusion over the terms of the moratorium. If 1.6 million gallon capacity construction is to be completed and the moratorium can not be lifted until the second clarifier is completed. This is confusing. The last quarter Jim Osborne, Town Engineer, said the flows were 1.6-1.8 per day. Supervisor Booth said the moratorium is all voluntary on the Town's part. Mark Taylor, Attorney for the Town, suggested not saying too much since all this is the heart of the litigation.

Ellenjane Gonyea / 26 Linden Drive

Would like to know the status of the traffic light at Arbor Drive and if the DOT has responded to the letters sent to them. Supervisor Booth said this light has not been finalized yet nor the discrepancy of the 17K Parking signs, from the NO STANDING / NO PARKING and the extension to Drury Lane. Supervisor Booth said he will be coordinating with Senator Bill Larkin to look for the money for the light from his office. The light costs approximately \$100,000.00. Jim Osborne, Town Engineer, feels that going through Mr. Larkin's office is our best bet with the DOT because if we don't our request will find its way to the bottom of the pile. Councilman Woolsey suggest that the residents should send letters of support to the State to help us move things along.

Also on February 1, 2004 at approximately 4:30 P.M. there was a great degree of emergency activity at the Pilot site. One fire engine, two ambulances and several police cars. We were denied entrance when we went to see what happened. Does anyone know what happened? Chief Kehoe said he hadn't heard anything but it sounds like it was a medical emergency.

Ron Hughes / Pampas Lane

The Balmville School problem. The only question that hasn't been answered was when will anything happen. It was brought to the Board's attention months ago about closing off the road to thru traffic. Supervisor Booth said he has not received the recommendation from the school district. Once we get the recommendation, it goes to the Town Board then on to the Traffic Advisory Board.

Patrick Richardson / 3 Gerri Court

With the impending storm coming, will Gerri Court be plowed? Supervisor Booth said the next step is for Darrell Benedict, Highway Superintendent, to sign off on the dedication. Worst case you will see a red truck up there.

Glen Loony / Meadow Hill

Since Thanksgiving there is at least one accident per day at the Stop & Shop and the Newburgh Mall entrance / exit. Is something going to be done before someone gets killed? Supervisor Booth asked if that was addressed and Councilman Woolsey said this is the first he was hearing about it. The Chief was then asked and he said he has spoken to Mr. Looney previously and there have been some accidents but not daily. It is one of the spots in the Town there is a problem. Councilman Woolsey said he'll add it to the agenda.

Richard Richardson / 3 Gerri Court

What can be done at the intersection of 300 and Rte 32? Supervisor Booth said that intersection has been addressed and there will be turn lanes in all four directions. Construction will start this summer.

Helena Guinta / Town of Newburgh

Who has jurisdiction over the trucks that line up on the 84 entrances? Supervisor Booth said that is the Thruway Authority.

Denise Baginski / Colden Hill Road

Where there are three lanes merging into one on 17K by the truck stop, shouldn't there be a merge sign or something? The one lane is the turning lane but then the other two merge in and there was a near mishap last night when an SUV slid in between two trucks and there was maybe an inch on each side. This is west bound. There is no indication of the merge. What is the speed limit there and is it posted? The speed limit is forty miles per hour and there was a sign but Supervisor Booth said he'll check into it.

Helena Guinta / Town of Newburgh

She thinks that the problem with the merging lanes is it is a short distance. Everyone is trying to squeeze in. Councilman Woolsey said that the residents in the Town could really help the Board out a lot if you send letters to the DOT, who created this problem, the senators and the assemblymen with your concerns. Whatever support you can give this Board is well appreciated.

Ronald Hughes / Pampas Lane

Have any of the Council had a chance to go look at the steel beams that are exposed on the overpass on Taft Ave. There are temporary steel beams that are on the shoulder of the road that hold up the overpass to 84 on Taft Ave. When is it going to fall down is the next question. Did you get any response about lowering the entire Town's speed limit to 30 miles per hour? Supervisor Booth said he has not but they did send in the request.

Supervisor Booth said he and Jim Osborne will add this item to the vast list they have for Randy Harwood.

Ellenjane Gonyea / Linden Drive

What can be done to have a DOT representative here at a Town Board meeting or a special meeting, so the residents can ask them different questions? Supervisor Booth

said he will definitely pass on the request. Councilman Manley said they are Public Servants just like we are.

Tim Olsen / Colden Park

Mrs. Gonyea that is a great idea but he had sent a letter to the Bridge Authority and never received a response. He sent a letter to the newspaper indicating the Bridge Authority did not respond, he received an answer that day. If there is no response to the DOT, go to all the papers.

Helena Guinta / Town of Newburgh

Is there a website directly to the DOT? Supervisor Booth said he doesn't know. Possibly NYS.DOT.GOV.

Mrs. Jeannette Tully / Patton Road

She saw the e-mail address the other night and will call with the web-site tomorrow.

Supervisor Booth said he will get the address and get in touch with the webmaster and try to get a direct link.

Chief Kehoe

The problem is not the lack of response, it's the lack of money. Until pressure is put on everyone from the governor on down, nothing will be done. DOT needs the funds to do anything. We have a lot of hot spots in this Town. This area has not gotten the funds that it deserves. We have roads that are fifty or sixty years old and the are the same roads. Nothing has been improved. The amount of vehicles we have now, these roads can not handle them.

Ron Hughes / Pampas Lane

Mrs. Gonyea, Mr. Maurice Hinchey represents this area, Chris White is in his Middletown office, you could get in touch with him to help with the DOT.

Mrs. Jeanette Tully / Patton Road

We moved here in October, 2000. In February, 2001 she wrote to the DOT on different things she sees in the Town that need to be addressed. She still has not heard from them. We need to organize a committee and meet to organize our complaints to take to the DOT.

Cassius Price / 7 Alex Drive

The traffic problems are they DOT's problem or Town of Newburgh's Highway Department? Supervisor Booth said it depends on which roads such as Rte 52 is State, Rock Cut Road is County and then your road is Town.

Adjournment

MOTION was made by Councilman Manley to adjourn the Town Board Meeting of February 2, 2004 at 8:32 P.M., seconded by Councilman Piaquadio.

VOTE: Mr. Woolsey – aye; Mr. Benedict – absent; Mr. Manley – aye; Mr. Piaquadio – aye; Mr. Booth – aye. Motion passed 4-0-1 absent.

Andrew J. Zarutskie, Town Clerk

by

Charlene M. Black, Deputy Town Clerk